

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

STEPHEN AUFLEGER,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-16-0634-HE
	)	
STATE OF OKLAHOMA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Stephen Aufleger, a state prisoner appearing *pro se*, filed his § 1983 action. Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred for initial proceedings to Magistrate Judge Bernard M. Jones. He has recommended that the action be dismissed without prejudice due to plaintiff's failure to cure various deficiencies, specifically to submit an application seeking leave to proceed *in forma pauperis* or pay the required filing fee, or submit a signed complaint on the proper form. The magistrate judge advised plaintiff that if he failed to correct the deficiencies by July 5, 2016, the action could be dismissed without prejudice. Plaintiff did not correct the problems, even though the court *sua sponte* extended the time for him to do so until July 25, 2016.

Plaintiff also did not object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed.<sup>1</sup>

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<sup>1</sup>The court notes that the Report and Recommendation was returned as being undeliverable. Doc. #7. Even though plaintiff is proceeding *pro se*, he still is responsible for notifying the court of any change of address. LCvR5.4(a) ("All papers shall contain the name, mailing address, daytime telephone number, fax number, and e-mail address, if any, of the attorney or pro se litigant. If any of this information changes, the attorney or pro se litigant must notify the court by filing the form provided by the clerk and serving a copy on opposing counsel or pro se parties. Papers sent

Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C).

Accordingly, the court **ADOPTS** Magistrate Judge Jones's Report and Recommendation and dismisses this action without prejudice.

**IT IS SO ORDERED.**

Dated this 18<sup>th</sup> day of August, 2016.

  
\_\_\_\_\_  
JOE HEATON  
CHIEF U.S. DISTRICT JUDGE

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*by the court will be deemed delivered if sent to the last known address given to the court."").*